ATTACHMENT 1 - ISSUE PAPER
DESCOPING OF ENVIRONMENTAL EVALUATION TASKS

As currently configured, an environmental evaluation (EE) conducted at Rocky Flats Plant involves a year (four seasons) of field and laboratory work, approximately nine months of report preparation, and an average budget of $800-1,000K per operable unit (OU). This level of effort provides for the broad toxicological and ecological characterization of an operable unit at a level well in excess of what is apparently typical at many EPA CERCLA National Priority List (NPL) sites.

EEs at other CERCLA sites are usually limited to establishing: (a) whether contaminants are moving into biota (pathways model) at toxic levels based on literature or laboratory bioassay data and/or (b) establishing the areal extent and gradients of contamination in soils and vegetation. This more narrowly focused work scope is sufficient to permit EPA to assess risks to biota from contaminants at the site and, once remediation levels for contaminants are established, set cleanup boundaries. EEs at this level of effort generally take place in a matter of weeks and cost less than $100K per OU.

Although the preceding comments are very broad in scope, there is no doubt that environmental evaluations (or ecological risk assessments) as currently practiced at RFP are well in excess of minimum regulatory compliance requirements. This is particularly true given that known contaminant levels at RFP are orders of magnitude less than those at many other CERCLA NPL sites.

Such disparities in duration and cost appear to result from the: (a) Department of Energy's (DOE's) position as a federal PRP with presumed "deep pockets", (b) intense public scrutiny levied at RFP, (c) absence of a Biology Technical Assistance Group in EPA Region VIII (while other regions have such groups) to offer guidance to EPA CERCLA and DOE on what is acceptable, cost-effective EE work, and (d) attempts to make EEs sufficiently inclusive so as to simultaneously present a due diligence position for liability arising from both CERCLA and Natural Resource Damages Assessment (NRDA) regulations.

DOE's near-term regulatory liability arises from CERCLA under the control of EPA, while long-term liability resides with Natural Resource Damages Assessment (NRDA) regulations under the control of the U.S. Fish and Wildlife Service. Based on recent insights into actual EPA practices, EG&G believes it possible to substantially descope OU EE work efforts at RFP, with attendant significant cost and schedule reductions, by shifting fulfillment of NRDA, National Contingency Plan (NCP), and other biological regulatory requirements to compliance programs outside the IAG where they properly belong. This division of work would permit DOE to meet all of its regulatory responsibilities without adversely impacting achievement of IAG milestone commitments.

As currently envisioned, descoping would involve reducing the complexity of EEs to bring them more in line with EEs at other CERCLA sites by focusing on assessing contaminant threats to biota and determining appropriate clean-up levels. Any such descoping would, of course, have to occur in a manner not damaging to the scientific or technical validity of any final ecological risk assessment and is conceivable only if EG&G's recently developed biological regulation compliance strategy is fully implemented.

EG&G's compliance strategy consists of two proposed programs: Resource Protection, which deals with the protection of endangered species, migratory bird habitat, and wetlands, and Ecological Monitoring, which would implement DOE Order 5400.1 and NCP Section 300.430, as well as fulfill certain NRDA requirements. These programs, if fully implemented, would allow Energy to move a large portion of mandated ecological work outside the CERCLA/IAG schedule, while still maintaining a due diligence position with respect to regulatory liability.

In conclusion, descoping of environmental evaluation tasks provides a mechanism for improving cost and schedule performance relative to CERCLA/IAG milestones, while simultaneously meeting biological regulatory liability requirements in an effective manner.